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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Ronald Dean Young,

Plaintiff,

vs.

KILOLO KIJAKAZI,
Acting Commissioner of Social Security,¹

Defendant.

)
) Case No.: 3:21-cv-0244-WGC

)
) **ORDER GRANTING UNOPPOSED MOTION**
) **FOR EXTENSION OF TIME TO FILE**
) **CERTIFIED ADMINISTRATIVE RECORD**
) **AND ANSWER; DECLARATION OF JEBBY**
) **RASPUTNIS**

)
) **(FIRST REQUEST)**

¹ Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9, 2021. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Kilolo Kijakazi should be substituted, therefore, for Andrew Saul as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

1 Defendant, Kilolo Kijakazi, Acting Commissioner of Social Security (the “Commissioner”), by
2 and through her undersigned attorneys, hereby moves for a 75-day extension of time to file the Certified
3 Administrative Record (CAR) and answer to Plaintiff’s Complaint. The CAR and answer to Plaintiff’s
4 Complaint are due to be filed by November 16, 2021. This is the Commissioner’s first request for an
5 extension of time.

6 Defendant makes this request in good faith and with no intention to delay proceedings
7 unnecessarily. As described in the attached declaration of Jebby Rasputnis, Executive Director of the
8 Social Security Administration’s Office of Appellate Operations (OAO), dated October 19, 2021,
9 beginning in mid-March 2020, the COVID-19 pandemic significantly reduced the agency’s ability to
10 produce CARs in Social Security cases. Since that time, OAO has been working to overhaul, redo,
11 refine, and streamline business processes to continue operations and meet its mission. In the past year,
12 OAO implemented new processes for preparing hearing transcripts, increased the number of transcription
13 contractors, and redeployed staff, effectively changing the transcript preparation process from one that
14 required in-person exchange of physical CDs into one that can be completed electronically. With
15 expanded vendor capacity, the implementation of new business practices, and the number of new cases
16 filed in federal court returning to normal levels, production of CARs has now returned to normal pre-
pandemic levels.

17 As explained in the attached declaration, any delays in production of CARs are related to the
18 specific case at hand. At present, the CAR is not yet available in this case and Defendant requests an
19 extension in which to respond to the Complaint until January 31, 2022. If Defendant is unable to produce
20 the certified administrative record necessary to file an Answer in accordance with this Order, Defendant
21 shall request an additional extension prior to the due date.

22 On November 8, 2021, the undersigned conferred with Plaintiff’s counsel, who has no opposition
23 to the requested extension.

24 It is therefore respectfully requested that Defendant be granted an extension of time to file the CAR
25 and answer to Plaintiff’s Complaint, through and including January 31, 2022.
26

1 Dated: November 16, 2021

2 CHRISTOPHER CHIOU
Acting United States Attorney

3 /s/ Sathya Oum
4 SATHYA OUM
Special Assistant United States Attorney

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7 IT IS SO ORDERED:

8 William G. Cobb
9 UNITED STATES MAGISTRATE JUDGE

10 DATED: November 16, 2021
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